

PATENT  
Docket No. 112174-023A.UTL  
(formerly ENSEMB.026A)

### REMARKS

Claims 1-5, 10-63, 65-68 and 70-74 are pending in the application and are presented for reconsideration and further examination in view of the foregoing amendments and the following remarks. Claims 1, 12, 27, 31, 32, 33, 34, 38, 43, 48, 65, 68 and 70 have been amended and claims 6-9, 64 and 69 have been cancelled without prejudice or disclaimer.

In the Office Action claims 9, 25, 29, 30, 36, 41, 44-46, 59, 60, 64-66, 70 and 71 were indicated as being allowable if rewritten in independent form including all the limitation of the base claim and any intervening claims. By the foregoing amendments, claim 1 has been amended to incorporate the limitations of claim 9 and intervening claim 8. Therefore, Applicant respectfully submits that claim 1 and each of the claims which depends with them are now in condition for allowance.

Similarly, independent claim 38 has been amended to incorporate the limitations of claim 64. Therefore, Applicant respectfully submits that claim 38 and each of the claims which depends therefrom are now in condition for allowance.

### REJECTIONS UNDER SECTION 102 AND SECTION 103

Independent claims 31 and 43 were rejected under 35 U.S.C. Section 102(e) as being anticipated by Schrader (U.S. Patent No. 5896561). Independent claim 68 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over Schrader and "the level of one skilled in the art." The claims which depend from each of these independent claims were similarly rejected. The following remarks are directed to those three independent claims but also apply to each of the claims which depend therefrom.

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Claim 31 has been amended to clarify that different users can be assigned to different polling categories with the different polling categories having different polling rates. In addition, the user can be reassigned to a different polling category with a different polling rate in response to a change in a communication status of that user. Schrader does not teach or suggest such a method.

For example, Schrader does not teach or suggest "assigning a first user to a first one of the plurality of polling categories; [and] assigning a second user to a second one of the plurality of polling categories." It appears that in the system described by Schrader, the entire system (all users) is in one polling category at a time. See, for example, Fig. 1D of Schrader. Different users do not appear to be assigned to different polling categories. Additionally, Schrader does not appear to teach or suggest "assigning the first user to a different polling category in response to a change in a communication status of the first user." Schrader appears to focus on the status of the system and not the status of individual users.

Therefore, Applicant respectfully submits that Schrader does not anticipate or make obvious independent claim 31. Applicant respectfully submits that claim 31 and each of the claims which depends therefrom are now in condition for allowance.

Amended claim 43 is directed to a method of obtaining bandwidth requests from a plurality of users. The method includes "assigning a first plurality of the users to a first one of the plurality of polling groups; [and] assigning a second plurality of the users to a second one of the plurality of polling groups." Therefore, the method results in at least two different groups of users being assigned to two different polling groups. Further, the method includes "selecting a

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different polling rate for a group in accordance with a change in the communication parameter associated with the group. Schrader does not teach or suggest such a method.

Schrader does not assign a first group of users to a first polling group and a second group of users to a second polling group. All users in Schrader are polled in the same manner. In that sense, all users are assigned to a single polling group. In addition Schrader does not change the polling rate for users in a group in accordance with the change in communication parameter associated with the group. Schrader changes from polling to the dormant state based upon loading conditions of the system, not based upon communication parameters associated with a group of users on the system. Therefore, for example, Schrader does not have the ability to take into account user characteristics (communication parameters) when determining how frequently a user or group of users should be polled. Schrader only describes changing the polling protocol for the entire system (all users).

Therefore, Schrader does not anticipate or make obvious claim 43. Applicant respectfully submits that claim 43 and each of the dependent claims which depend therefrom are now in condition for allowance.

Independent claim 68 is directed to a system for obtaining bandwidth requests. The system includes a polling policy module which is configured to "assign each user to one of a plurality of polling categories . . . such that at least one user is assigned to one polling category and another user is assigned to a different polling category." In addition the polling policy module is also configured to change the polling category of individual users in response to a change in the communication status of the particular user. Schrader does not anticipate or make obvious such a system.

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Schrader does not disclose or suggest assigning each user to one of the plurality of polling categories such that at least one user is assigned to one polling category and another user is assigned to a different polling category. As was mentioned above, Schrader appears to assign all users to a single system-wide polling category. Further, Schrader does not change the polling category of individual users in response to a change in a communication status of that user. Again, Schrader operates on a system-wide level and changes the polling status for all users, not individual users.

Therefore Applicant submits that independent claim 68 and each of the claims which depend therefrom are now in condition for allowance.

### CONCLUSION


The Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, amendments to the claims, the reasons therefor, and arguments in support of the patentability of the pending claim set are presented above. Any claim amendments which are not specifically discussed in the above remarks are made in order to improve the clarity of claim language, to correct grammatical mistakes or ambiguities, and to otherwise improve the capacity of the claims to particularly and distinctly point out the invention to those of skill in the art. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner finds any

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remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.

Respectfully submitted,

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